

Applicant(s): Ralph et al.
Serial No.: 09/975,471
Filed: 10/11/2001
For: Intervertebral Spacer Device
Utilizing a Spirally Slotted
Belleville Washer Having
Radially Spaced Concentric
Grooves

Examiner: Pellegrino, B.
Art Unit: 3738
Docket No.: F-209
Dated: 12/24/2003

REMARKS

Drawings

The Examiner objected to Figures 1 and 2 as not being designated as Prior Art. In response, the Applicant has provided substitute drawing sheets for these Figures.

Rejections Under 35 USC 103

The Examiner rejected claims 1-5, 9, and 13-20 as being unpatentable over USPN 5,989,291 in view of USPN 2,193,122 and USPN 5,034,254. In response, the Applicants have amended the claims as indicated above.

Double Patenting

The Examiner rejected claims 1-5, 7, 9, and 11-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7, 9, 11-18, and 20 of copending Application No. 09/974,154 in view of USPN 5,034,254. In response, the Applicants have provided a Terminal Disclaimer under 37 CFR 1.321 to overcome this rejection, as suggested by the Examiner.

Allowable Subject Matter

The Examiner objected to claims 7, 11, and 12 as being dependent on a rejected base claim, but indicated that the same would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In response, the Applicants have amended the claims as indicated above.

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Conclusion

Accordingly, the Applicants submit that with Terminal Disclaimer provided herewith, the claims as amended stand in condition for allowance, and respectfully request allowance of same.

Should the Examiner have any questions or comments concerning this response or any other matters pertaining to this application, the Applicants respectfully request that the undersigned be called so that the same may be addressed in the most rapid and direct manner.

Respectfully submitted,



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